THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.14879 of 2005

Dated 08-11-2005

Between:

Banatlal Bhati.

..... PETITIONER

AND

The Deputy Commissioner of Police, West Zone, Hyderabad,

and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.14879 of 2005

O R D E R:

This writ petition is filed seeking to declare the action of the respondents in opening rowdy sheet against the petitioner as arbitrary and illegal.

The specific case of the petitioner is that he was wrongly implicated in Crime No.102 of 2004 of Shah-Inayath Gunj Police Station for the offence under Section 324 of the Indian Penal Code, at the instance of the *de facto* complainant and no other crime is pending against him in connection with any offence. It is contended that as per Standing Order No.742 of the Andhra Pradesh Police Standing Orders, no rowdy sheet can be opened against a person on the basis of a solitary incident and therefore, the action of the respondents is arbitrary and illegal.

The learned counsel for the petitioner in support of the said contention placed reliance on a decision of a Division Bench of this Court in ***B. Satyanarayana Reddy Vs. State of Andhra Pradesh,*** and submits that the offence alleged against the petitioner has nothing to do with the breach of peace and therefore the alleged solitary incident cannot constitute basis to classify the petitioner as a rowdy sheeter.

Though a counter-affidavit has been filed on behalf of the respondents, the plea of the petitioner that he is not involved with any other crime involving breach of

peace has not been disputed.

In view of the facts and circumstances of the case and in the light of the ratio laid down in the above decision of the Division Bench of this Court, the Writ Petition is allowed.

The rowdy sheet opened against the petitioner is declared as void and accordingly quashed. No costs.

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(**G. ROHINI, J**)

Date:08-11-2005

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